

SENATE BILL REPORT

EHB 1268

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, March 31, 2005
Ways & Means, April 4, 2005

Title: An act relating to stem cell research.

Brief Description: Regulating stem cell research.

Sponsors: Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Haler, Appleton, Wallace, Kagi, Dunshee, Springer, Upthegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire.

Brief History: Passed House: 3/15/05, 59-36.

Committee Activity: Labor, Commerce, Research & Development: 3/28/05, 3/31/05 [DP-WM, DNP, w/oRec].

Ways & Means: 4/4/05 [DP, DNP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Hewitt, Keiser and Prentice.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Minority Report: That it be referred without recommendation.

Signed by Senator Parlette, Ranking Minority Member.

Staff: Jennifer Strus (786-7316)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau.

Minority Report: Do not pass.

Signed by Senator Zarelli, Ranking Minority Member;.

Minority Report: That it be referred without recommendation.

Signed by Senator Doumit, Vice Chair; Brandland, Parlette, Pflug, Roach and Schoesler.

Staff: Tim Yowell (7435)

Background: Stem cells have the ability to develop into many different cell types. Unlike other types of cells, stem cells are unspecialized, capable of dividing and renewing themselves for long periods, and can be induced to become cells with special functions, such as muscle cells, red blood cells, or brain cells. Current research using stem cells pertains to diabetes, Parkinson's disease, heart disease, and spinal cord injury.

Cloning is a process by which a genetically identical organism is created by asexual reproduction, i.e., without the fertilization of an egg by a sperm. Sheep, cows, cats, and mice have all been cloned successfully. The procedure used to create a clone is called somatic cell nuclear transfer, or nuclear transplantation. By transplanting the nucleus from an adult body (somatic) cell into an oocyte that has had its nucleus removed or inactivated, a genetically identical animal may be created.

Summary of Bill: A "blastocyst" is defined as a preimplantation embryo consisting of about 150 cells with an inner layer comprised of undifferentiated cells that have the potential to become any type of cell in the human body. "Reproductive cloning of a human being" is defined as asexual reproduction of a human being by transplanting a blastocyst that has been created by replacing the nucleus of an oocyte with a human somatic cell and transferring it into a uterus or uterus substitute.

The Human Stem Cell Research Advisory Committee (Committee) is established. The Committee consists of 13 members appointed by the Governor. The membership is comprised of seven scientists with biomedical research experience, two medical ethicists, two people with legal background in issues related to the donation of blastocysts and oocytes, and two members of the public.

The Committee is responsible for developing guidelines for conducting research on human embryonic stem cells in Washington. The guidelines must balance the state policy of promoting research involving human embryonic stem cells and the ethical considerations of conducting such research. The Committee may update the guidelines and issue advisory opinions as required by developments in research and medicine.

Health care providers that deliver fertility treatment to patients must provide them with adequate information to make an informed choice regarding the disposition of unused human blastocysts after treatment. Patients must be presented with the options of disposing of unused blastocysts including storing them, discarding them, donating them to another person, or donating them for research. Patients must also receive a form that details the patients' preferred disposition of any unused blastocysts in the event of the death of a patient, the separation or divorce of the partners, or the abandonment of the blastocysts due to failure to pay the storage fee. Before donating the unused blastocysts for research, the patient must provide written consent. Elements of what constitutes informed consent are established. The use of human eggs or human sperm that have been donated for the purpose of assisted reproduction may not be used for research purposes without the donor's written consent.

The donation of human embryonic tissue or human cadaveric fetal tissue for research purposes is permitted. The sale of such tissues is a felony. Reasonable payments to cover certain expenses are allowed.

Reproductive cloning or attempted reproductive cloning of a human being is prohibited and carries a civil penalty of \$100,000 for each violation.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Labor, Commerce, Research & Development): Although adult stem cell research began in Washington, embryonic stem cell research is going on in other parts of the country and if this bill does not pass Washington's ability to participate in the potential breakthroughs in stem cell research will be stymied. Stem cell research offers a once in a lifetime opportunity to cure what are currently incurable diseases. Embryonic stem cell research offers immense promise in curing diabetes. The legislature should not close the door that would allow scientists to explore the huge possibility that embryonic stem cell research offers. Stem cell research honors rather than denigrates the sanctity of life. The status of an embryo is important but it is not the moral equivalent of you or me. The ethical dilemma is regulating the public and private funding of such research and the bill does a good job of putting the regulation into the hands of the people who understand the issue and its implications the best.

Testimony Against (Labor, Commerce, Research & Development): Embryos are always destroyed when doing stem cell research. Experimentation with possible medical breakthroughs is not enough to destroy a human embryo. Just because an embryo is not in its final human form does not mean it is not a human being. Left alone in a mother's womb that embryo will form into a human being. Adult stem cells offer lots of promise and is a better way to go because there are no ethical or moral issues involved. Adult stem cells, while harder to reproduce, are better because the body will not reject them. If the legislature accepts embryonic stem cell research then it is also accepted human cloning because the process is the same. The pretext of stem cell research should not be used because we do not know what a cell feels. Stem cell research is moving into an area where the ends justify the means (possible medical breakthroughs justify ending a human life). Public money should not be spent on stem cell research especially in these trying economic times when lots of citizens are without health care.

Who Testified (Labor, Commerce, Research & Development): PRO: Representative Shay Schaul-Berke, prime sponsor; Dr. Anthony Blau, Dr. Randall Moon, University of Washington; Jackie Der, University of Washington School of Medicine; Scott Pepin, Juvenile Diabetes Research Foundation; Dennis Wright, Parkinson's Action Network; Dr. Suzanne Holland, University of Puget Sound Bruce Hanson, citizen; Vickie Austen, Washington Biotech Biomedical Association.

CON: Senator Joyce Mulliken; Dr. Cynthia Peterson, citizen; Carrie Jenott, citizen; Rose Gunderson, citizen; Rick Forcier, Christian Coalition; Dr. Sharon Quick, American Academy of Medical Ethics; Dr. Coral Hilby, citizen; Bob Higley, Washington Evangelical Research Group; Matt Muckler, Washington State Catholic Conference.

Testimony For (Ways & Means): Human embryonic stem cell research holds tremendous promise for the treatment of many diseases. Embryos developed for in vitro fertilization, but not used in that process, are generally frozen or discarded. This bill would establish

guidelines that would allow such otherwise unused embryos to be used for stem cell research, provided the patient gives informed consent. It is important to have a state-level advisory committee to develop research guidelines, rather than relying upon each institutional research review board to do so on its own.

Testimony Against (Ways & Means): This research is already being conducted today, so state funds don't need to be spent on an advisory committee. The funds would be better spent expanding access to health care.

Who Testified (Ways & Means): PRO: Representative Shay Schual-Berke, prime sponsor; Brad Jurkovich, Washingtonians for Advancement of Medical Research; Jackie Der, University of Washington Medical Center.

CON: Matt Muckler, Washington State Catholic Conference.